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N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
HEATHER PLASENCIA, L.P.N.	:	
License No. 26NP06086500	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Heather Plasencia, L.P.N. ("Respondent") is a licensed practical nurse in the State of New Jersey and has been a licensee at all relevant time.

2. The Board received information indicating that Respondent was arrested on June 12, 2013 by the Evesham Township Police Department and charged with violating N.J.S.A. 9:6-3 (Child Abuse) in connection with an arrest for Driving while Intoxicated. On June 19, 2013, the Board sent Respondent a letter of inquiry via regular and certified mail requesting

certain information about the arrest, nursing employment and continuing education. Respondent signed the receipt for delivery of the certified mail.

3. Respondent provided a partial response faxing the municipal court complaint and a handwritten letter stating that a "Not Guilty Plea" was entered on July 10, 2013. She did not provide copies of the police report, any updates, plea agreement, disposition, sentencing, proof of completion of sentencing, a narrative, the name and address of her current employer, shift worked, job title, performance evaluation, or any other information requested, including the continuing education credits (CEs).

4. Respondent was given the opportunity pursuant to the Board's alternate to discipline program, to privately undergo evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program of the Institute for Nursing ("RAMP"). Respondent failed to avail herself of that opportunity.

5. On or around June 3, 2014, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2014," referring to the thirty hours of continuing education required during the June 1, 2012 - May 31, 2014

biennial period. Respondent answered "Y" (yes) and certified that answer to be true by submitting the online application.

6. The Board has received no further updates from Respondent pertaining to her criminal charges or her CE credits.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquire constitutes a failure to cooperate with a Board investigation in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of thirty (30) hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Furthermore, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed any continuing education required for the June 1, 2012 - May 31, 2014 biennial renewal period. Respondent's failure to complete thirty (30) hours of continuing education during the June 1, 2012 - May 31, 2014 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, which constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2014 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Additionally, Respondent's drug related arrest on June 12, 2013, raise sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 3, 2014 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Although the Provisional Order sent by means of certified mail was returned as "unclaimed", the regular mail was not returned. N.J.A.C. 13:37-5.7 states, "A licensee or certificant shall notify the Board in writing of any change of address from that registered with the Board and shown on the most recently issued license or certificate. ... Such notice shall be given no later than 30 days following the change of address. Service to the street address registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2." Because the Order was forwarded to Respondent's address of record, the Board

deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 22nd day of Aug., 2014,
ORDERED that:

1. Respondent's license to practice as a licensed practical nurse is hereby suspended until such time as Respondent provides proof that she is up to date on continuing education, including completion of 30 hours of continuing education to be applied to the June 1, 2012 - May 31, 2014 biennial period. Continuing education completed after May 31, 2014 and applied to cure the deficiency of a previous biennial period shall not be used to satisfy the requirements of the current biennial period.

2. Respondent is hereby reprimanded for violating N.J.S.A. 45:1-21(f) and N.J.S.A. 45:1-21(b).

3. A civil penalty in the aggregate amount of five-hundred dollars (\$500.00) is hereby imposed upon Respondent for violation of N.J.S.A. 45:1-21 (f) and (h) for Respondent's criminal conviction and for failing to comply with Board regulation by timely completing continuing education within the appropriate time frame. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered

to George Hebert, Executive Director, State of Board of Nursing,
P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made
no later than fifteen (15) days after the entry of this Final
Order of Discipline. In the event Respondent fails to make a
timely payment, a certificate of debt shall be filed in
accordance with N.J.S.A. 45:1-24 and the Board may bring such
other proceedings as authorized by law.

4. Respondent shall refrain from practicing as a
registered professional nurse in the State of New Jersey and
shall not represent herself as a registered professional nurse
in the State of New Jersey until such time as Respondent's
license is reinstated. Any practice in this State prior to
reinstatement shall constitute grounds for a charge of
unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN
Patricia Murphy, PhD, APN
Board President